

**CLARK COUNTY  
CLEAN WATER COMMISSION  
Meeting Notes**

Wednesday, August 3, 2005

6:30 – 8:30 P.M.

Public Works Operations Conference Room  
4700 NE 78<sup>th</sup> Street

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Clark County Clean Water Commission Members Present

Robert Agard, Tim Crawford, Bill Owen, Patty Page, Art Stubbs, Virginia van Breemen, Ronald Wilson

Clark County Clean Water Commission Members Absent

Anne Jackson, Susan Rasmussen

Clark County Public Works Staff

Trista Kobluskie, Earl Rowell, Jeff Schnabel, Jim Soli, Mike Szwaya

Public

Robert Even, Thom McConathy, Alex Zimmerman

**Call to Order**

*Introduction*

The members of the Clark County Clean Water Commission, the public, and Clark County staff were introduced. The meeting was then called to order.

*Agenda and material review*

Several items in the packet are intended for the September meeting. The packet includes:

1. 08/03/05 Clean Water Commission Agenda
2. 07/06/05 Clean Water Commission Meeting Notes
3. Clean Water Commissioner Information
  - a. Letter of resignation from Commissioner Agard to the Board of Clark County Commissioners
  - b. Map of Clean Water Commissioner locations in Clark County
4. Letter regarding Low Impact Development from Clark County to Clark County Home Builders Association
5. Information about dye study on East Fork Lewis River
6. Clean Water Program 2005 Service Fee Calls and Correspondence statistics
7. List and map of potential county stormwater facility retrofit projects
8. Maintenance & Operations 2005 Expenditures
9. Small Acreage Landholder Outreach 2005 Budget and newspaper articles
10. Program Reports
  - a. Small Acreage Landholder Outreach Program April-June 2005 quarterly report
  - b. Watershed Stewards Program April-June 2005 quarterly report
  - c. Clark County NPDES Annual Report for 2004
  - d. Printed PowerPoint presentation on Phase I and Phase II Municipal Stormwater Permits



### *Clean Water Commission News*

Mr. Rowell stated that Mr. Agard is resigning from the Clean Water Commission. Mr. Stubbs thanked Mr. Agard for his years of service on behalf of the entire Clean Water Commission. Mr. Agard recommended that Mr. Even be appointed to fill the vacancy on the Commission.

### **Meeting Notes**

#### *Communications with the Public*

Mr. Rowell reviewed the Clean Water Program 2005 Service Fee Calls and Correspondence Statistics and noted that the number of calls dropped substantially this billing cycle.

Mr. Rowell reviewed news coverage of the Washington State Department of Ecology testing on the East Fork Lewis River.

#### *07/06/2005 Clean Water Commission Meeting Notes*

Mr. Owen requested the inclusion of the "Clean Water Commission Members Absent" section. He requested that the last paragraph before the Adjournment be amended as follows: add "Mr. Stubbs requested that Commissioners consider serving on the proposed subcommittee, and the group will take up this topic at the next meeting" to the end of the paragraph.

The 07/06/2005 meeting notes were approved as revised.

### **Public Comments**

Mr. McConathy thanked Mr. Agard for his service on the Clean Water Commission. He requested that the Board of County Commissioners appoint an environmental advocate to fill the vacancy in order to attain a balance of viewpoints. Mr. McConathy contended that there is a preponderance of viewpoints from the business and development communities.

Ms. van Breemen indicated that she considers herself an environmental advocate.

Mr. Stubbs stated that the diversity of viewpoints is achieved through geographic representation. Mr. McConathy stated that the Clean Water Act requires diversity in areas of interest represented.

Mr. McConathy commented on packet Item 8, a memo to the Deputy Director of the Clark County Public Works Operations division. Mr. McConathy asserted that Clark County is accepting responsibility for the maintenance of private facilities without first performing a vigorous inspection.

Mr. Rowell stated that facilities are required to be brought up to current county standards before they are accepted.

Mr. McConathy stated that the yearly inspection of all private facilities should require them to come up to current standards.

Mr. Agard stated that facilities built to previous standards are legal as long as they continue to meet the standards under which they were built.



Mr. Stubbs questioned whether Clark County would become involved in lawsuits against Home Owners Associations that are not maintaining their private stormwater facilities.

Mr. Szwaya stated that the county has a count of stormwater facilities:

- 650-700 public facilities operated by the county
- 800-900 private facilities inspected annually by the county

Inspection records show that more than 90% of private stormwater facility owners get their facility up to par after an initial inspection. Mr. Szwaya noted that the Clean Water Program had paid for 2,900 unique inspections of private stormwater facilities since its inception in 2000. He described a four step process to identify and correct out of compliance private stormwater facilities:

1. Inspection
2. Education on standards (BMPs)
3. Follow-up with technical assistance
4. If improvements are not made, turn over case to Code Enforcement

Mr. Rowell noted that the next step is to meet with the Director of Public Works, to plan for minimizing the impact of these below-par facilities on the Clean Water Program.

Mr. McConathy, Mr. Agard, Mr. Stubbs and Mr. Szwaya discussed the lack of impact that Codes, Covenants & Restrictions (CC&Rs) make when property changes hands. Although the provision for private maintenance and upkeep of private stormwater facilities is made in the covenants that property buyers must read during the closing, many owners do not know of their responsibilities. Mr. Stubbs wondered if there is an educational opportunity here. Mr. McConathy wondered if a note could be appended to the title of the property.

Ms. Page stated that the “Frequently Asked Questions about the Clean Water Service Fee” on the county web site gives some misleading information about the mowing of bioswales, implying that the county is responsible for mowing all bioswales in the county, which is inaccurate.

Mr. Wilson indicated that he thinks most homeowners are ignorant of their responsibility to maintain the private stormwater facility in their subdivision. Mr. Szwaya agreed, noting that the worst problems occur in subdivisions that are seven to twelve years old where many of the original property owners have sold their parcels to new owners who are likely unaware of the purpose of the facilities.

Mr. McConathy reviewed his concern about the Chevron station car wash on NE 99<sup>th</sup> Street. He asserted that the surfactants released by the facility into the county stormwater system are a threat to salmon and aquatic ecology.

Mr. Rowell responded that the amount of water being released from the site into county stormwater system is negligible and that the filtration system prevents pollution from reaching the county system.

Mr. McConathy wanted to know if the county is testing the outflow in that area for surfactants. He stated that Suds creek pond is covered in algae and a black fungus that are associated with surfactant pollution and the problem appears to be increasing in that area.

Note: During the meeting, Mr. Schnabel spoke separately to Mr. MaConathy, saying the county uses several water quality testing parameters to check for detergents, including pH, ammonia, and chlorine. Mr. Schnabel



stated that if a sample exhibited unusual results, then staff would recheck the sample site and attempt to locate the cause of the water quality concern.

#### *Presentation on Filtration Vault Systems*

Mr. Zimmerman made a presentation on filtration vault systems such as those manufactured by Stormwater Management Inc. of Portland, Oregon. Mr. Zimmerman is a contractor and consultant in the areas of erosion, stormwater and water treatment.

He presented photographs of filtration vault systems in various stages of their life cycles. He covered the following topics:

- Challenges for installation
- Challenges for maintenance
- Challenges for inspection
- Examples of incorrect usage

Mr. Szwaya commented that the challenges for inspection and maintenance of filtration vault systems are significant enough to warrant a separate section in the inventory of stormwater facilities in the county. The Department of Community Development predicts that in coming years, eight to ten systems per month will be turned over from private to public responsibility.

Mr. Wilson asked about access to the vault systems.

Mr. Stubbs questioned how we know that the filtration vault systems are actually cleaning the water. Mr. Szwaya responded that the county is currently assuming that water that passes through a filter is being cleaned to the standards specified by the manufacturer.

The group discussed how to keep on top of the challenges for use, maintenance, and inspection of stormwater filter vault systems.

#### **New Business**

##### *North Gabbert Cleanwater Mitigation Project*

Mr. Agard and Mr. Szwaya discussed the merits of the North Gabbert Cleanwater Mitigation project.

Mr. Agard stated that the budget increased from \$250,000 initially to \$500,000; the site is miles from the urban boundary; the site was chosen primarily to act as wetland mitigation for other planned road projects in the county that would otherwise produce a net loss of wetland; the wetland value of the land originally was very low. He requested a method of discarding projects when they become or are proven to have always been ineffective. He requested a system to verify the viability of any capital project and to standardize measures of the outcomes. He requested that staff be answerable for the projects that are presented and chosen.

Mr. Owen stated that he agrees with the project.

Mr. Szwaya stated that he thinks the project has the following merits: the site is ten to fifteen contiguous acres; three to four acres of the original wetland were previously filled with one to four feet of fill; the previous use of the site and surrounding areas for agriculture, animal husbandry and backyard junkyards are producing considerable water pollution; the intersection frequently floods; the headwaters for Mill Creek are there.



Mr. Schnabel indicated that capital projects in urban and rural areas must have some balance and that preventing further development of a headwater in future years was a good move.

Mr. Agard stated that developers are cleaning more water through stormwater facilities in new developments than the previous land users.

Ms. Page stated that we may have better technology in the future which would render this capital improvement obsolete by the time development reaches the area.

Mr. Owen stated that the county may be able to more cost-effectively purchase land with existing wetlands rather than creating new wetlands.

#### *Retrofits and Capital Improvements*

The group discussed criteria for separating stormwater facility retrofits from capital improvements. Why does the Board of County Commissioners want to know the difference?

Mr. Agard and Mr. McConathy contend that the county should not be responsible for retrofitting poorly maintained private facilities. Ms. Page asked whose job it is to educate property owners about their responsibilities. Mr. Szwaya stated that fixing the facilities with public dollars is more effective than fighting to get private landowners to fix the old problems.

Mr. Owen recommended identifying facilities that are pending turn-over to county responsibility and then targeting that area for education about stormwater facility maintenance.

Mr. Crawford stated that the Capital Improvement Subcommittee will meet on August 11 to finalize the criteria for selecting capital projects.

#### *Education Subcommittee*

The group discussed whether to form the subcommittee in October 2005 or January 2006 since planning for the next budget cycle begins in January.

Mr. Owen stated that quarterly reports should contain performance measures.

Ms. Page, Mr. Stubbs and Ms. van Breemen expressed interest in joining the subcommittee.

Mr. McConathy stated that measurable impacts are the most important measure of success.

#### **Motion 2005-0803-02**

Mr. Owen moved to form the Education Subcommittee with Ms. Page, Mr. Stubbs, Ms. van Breemen, and himself, and to meet with Cindy Stienbarger to determine the right start date.

*Mr. Agard opposed the motion. The motion was passed.*

#### *Watershed Plan for Water Resources Inventory Areas*

Mr. Stubbs stated that the Board of Clark County Commissioners will hold a public hearing on August 16, 2005 at 7 P.M. at 21609 NE 72<sup>nd</sup> Avenue, Battle Ground, to receive comment on the Watershed Plan for Water Resources



Inventory Area. Obtain the draft plan on the web at [http://www.lcfrb.gen.wa.us/December%20Final%20%20Plans/salmon\\_washougal\\_and\\_lewis.htm](http://www.lcfrb.gen.wa.us/December%20Final%20%20Plans/salmon_washougal_and_lewis.htm) or by contacting Joel Rupley at the Clark County Endangered Species Program. Send comments to Joel Rupley.

Mr. Stubbs urged members of the Clean Water Commission to attend.

#### *Other Items*

Mr. Agard requested answers to his questions from the last meeting, which were:

- In the 2003-2004 biennium, the program overspent the Regulation and Enforcement line item by \$126,000 but in the next biennium only budgeted an additional \$20,000
- The 2006 Water Quality Monitoring Database budgets \$637,000 for Outside Services, which is a large increase
- In the 2003-2004 biennium the program spent \$842,000 on the Public Education and Outreach category, which is less than the amount budgeted, however the new budget proposes \$1.2 million, a significant increase
- A financial breakdown on the Small Acreage Program since the content is not related solely to Clean Water Program objectives

Additionally, Mr. Agard requested data on the income from the fee.

#### **Adjourn**

The meeting adjourned at 9:10 P.M.

#### **Next Meeting**

The next meeting of the Clean Water Commission will be held on Wednesday, September 7, 2005 from 6:30 P.M. – 8:30 P.M. The location is the Public Works Operations Conference Room, 4700 NE 78<sup>th</sup> Street.

Respectfully Submitted,  
Trista Kobluskie

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